IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 67080-M of 2006

DATE OF DECISION : 29.01.2007

Balwinder Kaur

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sandeep Vermani, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Balwinder Kaur, apprehending her arrest in a non-bailable offence in case FIR No. 100 dated 6.6.2005 under Sections 406/420 IPC, registered at Police Station Salem Tabri, Ludhiana, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 19.10.2006, passed by Additional Sessions Judge, Ludhiana, whereby bail application of the petitioner has been dismissed.

While issuing notice of motion on October 31, 2006, interim anticipatory bail was granted to the petitioner subject to her joining investigation.

Counsel for the petitioner contends that in the aforesaid case, it has been alleged that the petitioner and her other family members have taken Rs. 28 lacs from the complainants to send them to America. Counsel contends that in this case, all the family members of the petitioner have been implicated on false averments. It is case of the petitioner that even no date,

time and place has been mentioned in the FIR, when the alleged amount was paid by the complainants and to whom. It has also not been mentioned that before whom the said amount was paid.

Counsel for the petitioner further states that in terms of the interim order dated November 31, 2006 and December 14, 2006, the petitioner has joined the investigation. The State counsel does not dispute this fact. It is also not disputed by him that in the complaint, no specific date, time and place of taking the alleged amount of Rs. 28 lacs has been given.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated October 31, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

January 29, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**